

**Senate File 381 - Introduced**

SENATE FILE 381  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1189)

**A BILL FOR**

1 An Act relating to the control of disease in wildlife and  
2 including penalty provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 481A.41 Wildlife disease prevention  
2 and control program — disease management zones — penalties.

3 1. The commission, by rules adopted under chapter 17A, shall  
4 develop a wildlife disease prevention and control program to  
5 prevent or control the spread of contagious, infectious, or  
6 communicable diseases in wildlife or in a particular species of  
7 wildlife in this state. The commission, in cooperation with  
8 the state veterinarian, shall specify, by rule, the diseases  
9 to be targeted by the program.

10 2. If the commission finds that action is necessary to  
11 prevent or control the spread of a contagious, infectious, or  
12 communicable disease in wildlife or in a particular species of  
13 wildlife in this state, the commission may designate any area  
14 in the state as a disease management zone and do any of the  
15 following within a designated disease management zone:

16 a. Limit, close, expand, or open seasons for taking wildlife  
17 or a particular species of wildlife.

18 b. Limit, close, expand, or open areas for hunting wildlife  
19 or a particular species of wildlife.

20 c. Reduce or increase limits on taking wildlife or a  
21 particular species of wildlife.

22 d. Authorize the issuance of free hunting licenses for  
23 taking wildlife or a particular species of wildlife.

24 e. Allow hunting with a firearm from a motor vehicle  
25 of wildlife or a particular species of wildlife by persons  
26 designated to hunt in this manner by the department. If such  
27 hunting is allowed, the department shall develop and maintain a  
28 list of persons who are designated to hunt with a firearm from  
29 a motor vehicle for purposes of the wildlife disease prevention  
30 and control program.

31 f. Require a hunter to provide a physical sample obtained  
32 from each animal of a particular species of wildlife that is  
33 taken by a hunter in the disease management zone, for the  
34 purpose of conducting a disease-related test.

35 g. Limit the possession, transportation, and disposition of

1 wildlife or a particular species of wildlife.

2 *h.* Restrict feeding of wildlife or a particular species of  
3 wildlife.

4 3. The commission shall develop, by rule, procedures for  
5 designating an area of the state as a disease management zone.  
6 The procedures shall include all of the following:

7 *a.* Criteria for the department to utilize in proposing  
8 designation of an area as a disease management zone to the  
9 commission.

10 *b.* Criteria and strategies for the department to utilize in  
11 developing a proposed action plan for preventing or controlling  
12 disease in a designated area. A proposed action plan shall  
13 be developed by the department, in cooperation with the state  
14 veterinarian.

15 *c.* Criteria for the commission to utilize in approving or  
16 disapproving a proposed designation of an area as a disease  
17 management zone or a proposed action plan for preventing or  
18 controlling disease in a designated area.

19 4. The department shall hold a public hearing in the area  
20 proposed for designation as a disease management zone, prior to  
21 approval or disapproval of the proposed designation or proposed  
22 action plan for the area by the commission.

23 *a.* The purpose of the public hearing shall be to engage  
24 stakeholders in the designation and action plan process,  
25 including stakeholders who own or lease land or reside in  
26 the proposed designated area as well as other stakeholders  
27 who own or lease land or reside in the vicinity of the  
28 proposed designated area or will otherwise be impacted by the  
29 designation or the proposed action plan.

30 *b.* The department shall also solicit public comments on  
31 the proposed designation and action plan from the stakeholders  
32 described in paragraph "a".

33 5. The department shall present any public testimony and  
34 public comments received for consideration by the commission  
35 in determining whether to approve, disapprove, or modify the

1 proposed designation of an area as a disease management zone or  
2 the proposed action plan for a designated area.

3 6. a. A person who violates any provision of a rule adopted  
4 pursuant to this section is guilty of a simple misdemeanor  
5 punishable as a scheduled violation under section 805.8B,  
6 subsection 3, paragraph "e".

7 b. In addition to any other penalties imposed under this  
8 section, a person charged with a violation of a rule adopted  
9 pursuant to subsection 2, paragraph "h", restricting the  
10 feeding of wildlife or a particular species of wildlife,  
11 shall immediately remove all feed that is in violation of the  
12 restriction. Failure to do so shall constitute an additional  
13 violation of this section for each day that the feed remains.

14 7. This section shall not be construed to modify any  
15 provision of law relating to trespass or property rights.

16 Sec. 2. Section 805.8B, subsection 3, paragraph e, Code  
17 2015, is amended to read as follows:

18 e. For violations of sections 481A.41, 481A.57, 481A.85,  
19 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3, 482.9,  
20 482.15, and 483A.42, the scheduled fine is one hundred dollars.

21

#### EXPLANATION

22 The inclusion of this explanation does not constitute agreement with  
23 the explanation's substance by the members of the general assembly.

24 This bill relates to the control of disease in wildlife.  
25 The bill requires the natural resource commission to develop  
26 a wildlife disease prevention and control program. If the  
27 commission finds that action is necessary to prevent or control  
28 the spread of disease in wildlife or in a particular species of  
29 wildlife, the commission may designate any area in the state as  
30 a disease management zone and adopt rules that change hunting  
31 seasons, areas, and limits; authorize the issuance of free  
32 licenses; allow hunting with a firearm from a motor vehicle  
33 by designated persons; require hunters to provide physical  
34 samples from harvested wildlife for disease testing; limit the  
35 possession, transportation, and disposition of wildlife; and

1 restrict wildlife feeding.

2 The commission is also required to develop, by rule,  
3 procedures for designating an area of the state as a disease  
4 management zone including developing an action plan. The  
5 department of natural resources is required to hold a public  
6 hearing and solicit public comment on a proposed disease  
7 management zone and action plan from stakeholders who own  
8 or lease land or reside in the affected area. The public  
9 testimony and comments must be considered by the commission  
10 before approving, disapproving, or modifying a proposed zone  
11 or action plan.

12 A violation of a rule adopted pursuant to the bill is a  
13 simple misdemeanor punishable as a scheduled violation with  
14 a fine of \$100. A person who violates a wildlife feeding  
15 restriction must also immediately remove all food that is  
16 in violation of the restriction and failure to do so is an  
17 additional violation for each day that the feed remains.